

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

: STIPULATION AND ORDER

: -v.-

: 18 Cr. 581 (KMK)

: SPYROS PANOS, M.D.,

: Defendant.

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WHEREAS, on or about August 13, 2018, SPYROS PANOS (the "defendant"), was charged in a three-count Indictment, 18 Cr. 581 (KMK) (the "Indictment"), with wire fraud, in violation of Title 18, United States Code, Section 1343 (Count One); health care fraud, in violation of Title 18, United States Code, Section 1347 (Count Two); and aggravated identity theft, in violation of Title 18, United States Code, Section 1028A (Count Three);

WHEREAS, the Indictment included a forfeiture allegation as to Count One of the Indictment, wherein the defendant shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, constituting or derived from, proceeds traceable to the offense alleged in Count One of the Indictment that the defendant personally obtained;

WHEREAS, the Indictment included a second forfeiture allegation as to Counts Two and Three of the Indictment, wherein the defendant shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and 982(a)(7), any and all property constituting or derived from, proceeds obtained directly or indirectly, as a result of the commission of the offense, including but not limited to a sum of money in United States currency representing

the amount of proceeds traceable to the commission of the offenses in Counts Two and Three of the Indictment, that the defendant personally obtained;

WHEREAS, on or about April 10, 2018, the United States Postal Inspection Service (“USPIS”) seized \$1,100 in United Stated currency (the “Seized Currency”) from the defendant at his residence in Hopewell Junction, New York, as proceeds of the charges in Counts One and Two of the Indictment;

WHEREAS, the defendant has asserted an interest in the Seized Currency; and

WHEREAS, the Government and the defendant wish to resolve this forfeiture matter without resort to litigation;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. The Government shall not seek the forfeiture of the Seized Currency.
2. The United States Marshals Service (“USMS”) (or its designee), shall release the Seized Currency through an electronic transfer issued by the USMS to the defendant’s bank account designated on the USMS Vendor Request Form to be completed by the defendant.
3. The defendant is hereby barred from asserting, or assisting others in asserting, any claim against the United States of America (“USA”), the Department of Justice (“DOJ”), the United States Attorney’s Office for the Southern District of New York (“SDNY-USAO”), the USPIS, and the USMS, or any agents and employees of the USA, the DOJ, the USAO-SDNY, the USPIS, and the USMS, as well as local and state agents, officers or employees, past and present, in connection with or arising out of the seizure, restraint, and/or constructive possession of the Seized Currency.

4. The defendant represents that he is the sole owner of the Seized Currency and further agrees to hold harmless the United States and any and all of its agents and employees (including, without limitation, USPIS and the USAO-SDNY), from any and all claims, including, without limitation, third-party claims, in connection with or arising out of the United States' seizure, restraint, and/or constructive possession of the Seized Currency.

5. The parties hereby waive all rights to appeal or to otherwise challenge or contest the validity of this Stipulation and Order.

6. This Stipulation and Order shall in no way be deemed an admission of culpability, liability, or guilt on behalf of defendant or of the United States or any of their respective agents, officers or employees, past and present. Further, this Stipulation and Order shall in no way constitute any reflection upon the merits of the claims and defenses asserted respectively by the United States and defendant with respect to the forfeitability of the Seized Currency and any future property deemed forfeitable by the Government.

7. Each party shall bear its own costs and attorneys' fees.

8. The signature page of this Stipulation and Order may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument. A facsimile or electronic image of the original signature

of any party executing this Stipulation and Order shall be deemed an original signature and shall constitute an original as against the party whose signature appears in the facsimile or electronic image.

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

AGREED AND CONSENTED TO:

By: Margery B. Feinzig
Margery B. Feinzig
Assistant United States Attorney
United States District Court, SDNY
300 Quarropas Street
White Plains, NY 10601
Office: (914) 993-1903

1/8/2020
DATE

SPYROS PANOS
Defendant

By: Z. M. Fisher
Lawrence M. Fisher
Counsel for the Defendant
233 Broadway, Ste 2348
New York, New York 10279
Office: (212) 226-5700

1/7/2020
DATE

SO ORDERED:

K. M. Karas
THE HONORABLE KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE

1/9/20
DATE